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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,712	05/11/2001	Christian Tourre	B-0692-US-PK/DO	5186

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EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,712

Applicant(s)

Arrebloy et al.

Examiner

Shian T Luong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) 23-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-22,30-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-22 and 30-31 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art shown in Figures 1-2 and disclosed on page 4 over Wewers (US 5,244,025) and Williams. Admitted Prior Art discloses generally all of the elements of the claims, but lacks a square package and the folding method of the tissue. However, a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. In addition, Wewers teaches a square shaped package for receiving contents therein. Wewers is only cited to show the shape and not the contents.

With respect to the folding direction, Williams teaches an absorbent paper as shown in Figure 3 wherein the paper is folded at line 16 and then respectively at 17. Thereafter, the transversely folded paper may be folded along the longitudinal centerline 14 and then along the parallel equal spaced longitudinal fold line 15. In Figure 6, an alternative folding method is shown wherein the two outer panels formed by fold lines 17 are folded outwardly while the interior panels are folded in an opposing direction. The assembly displayed a M-shaped configuration when viewed from an end thereof. It would have been obvious to fold the absorbent paper in the manner as taught by Williams for the package of Admitted Prior Art to

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store the absorbent paper in a compact manner. Also, it would have been obvious to determine the desired height and width such as 50 and 58 mm, respectively, through routine experiment.

3. Claims 16-22 and 30-31 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Focke et al (US 5,018,625) or Regenstein et al (US 4,460,088) in view of Wewers (US 5,244,025) and William. Focke et al disclose a package comprising packs for stacks of folded paper tissues. The package has perforations as a means for tearing open the package. An adhesive strip is attached to the front portion to provide a reclosable opening. Rugenstein also shows a soft pack consisting of a plastic film. Perforations 29,30 extending inwardly from corners 27,28 of the pack. An adhesive strip 40 is applied to facilitate reclosing the opening. Neither Focke et al or Regenstein et al disclose a square package. However, a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. In addition, Wewers teaches a square shaped package for receiving contents therein. Notice that Wewers is only cited to show the shape and not the contents.

With respect to the folding direction, Williams teaches an absorbent paper as shown in Figure 3 wherein the paper is folded at line 16 and then respectively at 17. Thereafter, the transversely folded paper may be folded along the longitudinal centerline 14 and then along the parallel equal spaced longitudinal fold line 15. In Figure 6, an alternative folding method is shown wherein the two outer panels formed by fold lines 17 are folded outwardly while the interior panels are folded in an opposing direction. The assembly displayed a M-shaped configuration when viewed from an end thereof. Hence, it would have been obvious in view of Sipinen or Wewers and William to provide square shaped package for the package of Regenstein

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et al or Focke et al since they would work equally well and to store the tissue papers in a compact storage position. Also, it would have been obvious to determine the desired height and width such as 50 and 58 mm, respectively, through routine experiment.

### ***Response to Arguments***

4. Applicant's arguments filed on 10/30/03 have been fully considered but they are not persuasive. Applicant argues that Wewers is non-analogous art, but the examiner is only citing the reference to show a typical square-shaped package that is well known in the packaging art. In addition, applicant argues that the references applied do not provide the unexpected result found in the packet of stacked square-shaped paper tissues. But the unexpected result suggested by applicant is obvious over the references applied and in view of *In re Dailey et al*. One of ordinary skill in the art would find a square package more suitable for holding square contents to prevent extra compartmental space and to save material cost. Moreover, the contents within the package square shape package would rigidify the entire package because the lack of movement.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. The **Group clerical receptionist number is (703) 308-1148** or the **Tech Center 3700 Customer Service Center number is (703) 306-5648**.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Donna Monroe at (703) 308-2209.

For applicant's convenience, the formal FAX number is (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

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Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

Application/Control Number: 09/852,712

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STL

November 30, 2003



Primary Examiner  
Shian Luong  
Art Unit 3728